

REMARKS

The February 16, 2005 Final Office Action has been reviewed and its content carefully noted. Favorable reconsideration of this case is respectfully requested. Claims 1-7 and 12-25 are pending in this application and claims 12-25 have been withdrawn from consideration. Claims 1-7 are currently rejected.

Claim 1 was amended to recite that a screen is adapted to the top of the piping array. Support for this amendment may be found *inter alia* in the specification on page 11, lines 25-35. Reconsideration of the application is respectfully requested.

**Common Ownership**

Applicant submits that US Patent No. 6,253,830 to Bickford et al. ("Bickford") is not prior art because both the Bickford patent and the present application are "commonly-owned"

Pursuant to MPEP §706.02(l)(2), Applicant avers that

the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

As such, Bickford is disqualified as prior art pursuant to 35 U.S.C. §103(c). A copy of the Notice of Assignment Recordation for the present application is attached as Exhibit A.

**Claim Rejections – 35 U.S.C. §103****A. Bickford in view of US Patent No. 5,908,804 to Menon**

The Examiner has rejected claims 1, 2 and 4-7 under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,253,830 to Bickford et al. ("Bickford") in view of US Patent No. 5,908,804 to Menon ("Menon").

As stated *supra*, Bickford is disqualified as prior art because Bickford and the present application are commonly owned. Therefore, the rejection is unsupported by the art and should be withdrawn.

**B. Bickford in view of Menon and further in view of US Patent No. 3,763,830 to Robinson et al.**

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Bickford in view of Menon and further in view of U.S. Patent No. 3,763,830 to Robinson et al. (“Wheat”).

Once again, the rejection is unsupported by the art and should be withdrawn because Bickford and the present application are commonly owned.

**C. WO 98/14291 to Bickford et al. (“Bickford II”) in view of Menon**

The Examiner has rejected claims 1, 2 and 4-7 under 35 U.S.C. §103(a) as being unpatentable over WO 98/14291 to Bickford et al. (“Bickford II”) in view of Menon.

Applicant respectfully traverses the Examiner’s rejection as being improper in view of MPEP §2143 providing:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The combination of Bickford II and Menon fails to teach or suggest all of the claim limitations. Bickford II teaches a process for debonding and removing sand cores from metal castings by heat treating the casting parts. Menon teaches the reduction of nitrogen oxide emissions by the burning off of coke from catalyst in a combustion zone of a regenerator. Neither Bickford II or

Menon teach or suggest fastening a screen to the top of the piping array. The screen of the present invention is conveniently fastened to the top of the piping array without disturbing the uniform flow pattern of the tuyeres. *See Specification, page 11, line 25-35.* The screen functions to prevent small parts or pieces of casting material from falling into the vicinity of the tuyeres. *See Specification, page 11, line 25-35.* Neither Bickford II or Menon teach or suggest this element of claim 1. Therefore, the rejection is unsupported by the art and should be withdrawn.

**D. Bickford II in view of Menon and further in view of Robinson**

The Examiner has rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Bickford II in view of Menon and further in view of Robinson.

Applicant respectfully traverses the Examiner's rejection as being improper. Robinson fails to cure the deficiency of Bickford II and Menon. Robinson teaches the use of combustion apparatus for the removal of sulfur oxides from fuels containing sulfur. However, Robinson also fails to teach or suggest fastening a screen to the top of the piping array as is presently claimed. Because the prior art references when combined fail to teach or suggest all the claim limitations, the rejection is unsupported and should be withdrawn.

Applicant respectfully submits that this application is in condition for allowance. Early and favorable action is earnestly solicited. If any additional fee is due, the amount of such fee may be charged to Deposit Account No. 50-1145.

Respectfully submitted,



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